

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 14th day of April, 2009, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 19th day of May, 2009 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE NO. 09-09

**AN ORDINANCE ENACTING RESIDENTIAL RENTAL LANDLORD AND TENANT
UNIT REGISTRATION**

WHEREAS, the Governing Body of the Borough of Westwood finds that the general public, health, safety and welfare is preserved and sustained by the provision of safe, clean and habitable housing and with reasonable regulations designed and enforced to encourage the nuisance-free and peaceable enjoyment of residents collectively within Westwood; and

WHEREAS, the Borough of Westwood recognizes that a need for an organized registration and inspection program of all residential rental dwelling units within the Borough of Westwood is necessary and appropriate to insure that rental property is maintained to enhance the public health and safety of tenants and their neighbors; and

NOW, THEREFORE, BE IT ORDAINED as follows:

1. The above recitals are incorporated herein as if fully set forth.
2. **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings (terms not defined herein shall be given their ordinary meanings unless defined by New Jersey Statutes):
 - A. **Boarding/Rooming House:** as defined in N.J.S.A. 55:13B-3.
 - B. **Dwelling Unit:** One room, or a suite of two or more rooms, or a single family detached residence designed for or used by one Family or household unit for living and sleeping purposes.

- C. Household: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit like a family as a single housekeeping unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. (Any person residing on the premises not a member of a household shall be counted as residing in an additional dwelling unit.)
- D. International Property Maintenance Code: The International Property Maintenance Code adopted by ordinance for use by the Borough of Westwood.
- E. Landlord and Tenant Registration Certificate: A document issued by the Zoning and Code Enforcement Officer certifying that a particular dwelling unit has been registered and is in compliance with this Ordinance.
- F. Owner: The individual or individuals, natural or corporate, in possession of lawful title to property in the absence of substantial evidence to the contrary, the ownership records of the County of Bergen Clerk's Office used for property tax purposes shall be conclusive evidence of the ownership of property regulated pursuant to this Article.
- G. Public Officer: The Borough of Westwood employee(s) designated by the Governing Body to enforce the provisions of this Article.
- H. Residential Rental Dwelling Unit: A dwelling unit in which persons comprising a family or household and living together as such are permitted to reside in return for financial or other consideration, a dwelling unit which is rented.

3. **LICENSE AND REGISTRATION REQUIREMENTS.**

A. Owner Residential Rental Registration. Unless exempted hereby, every owner of a building containing a residential rental dwelling unit within the Borough of Westwood shall file an application on a Landlord and Tenant Registration Form. A Landlord and Tenant Registration Certificate and a Zoning Compliance Certificate is required for said unit prior to the occupancy of said unit and for each residential rental dwelling unit in the building from the Borough of Westwood prior to leasing, subleasing, renting or allowing the occupancy of such residential rental dwelling unit whether or not for consideration. In the case of multiple owners of any such dwelling, it shall be sufficient for any one of the owners to have obtained a Certificate for a unit.

The Landlord and Tenant Registration form and fees and inspections shall be in addition to any other Borough requirements and shall be in writing and on a form provided by the Borough of Westwood's Zoning and Code Enforcement Officer or his/her designee. Such form shall specifically require the following minimum information:

- i. Name, address and phone number of the property owner and the

Lessee and if owner is not a natural person, the name, address and phone number of a designated agent for the owner.

ii. Name, address and phone number of any person authorized to make or order to be made, repairs or services for the property if in violation of Borough or State codes, if the person is different than the owner.

iii. The street address and apartment number of the rental property and the lot and block.

iv. The number, types and approximate size and location of dwelling units within the rental property.

v. Name of all tenants over the age of 18;

vi. Number of children 18 and younger in each dwelling unit;

vii. Copy of Lease/Rental Agreement showing term dates;

viii. The most recent Zoning Compliance Certificate; and

ix. Such other information as the Zoning and Code Enforcement or Housing Officer or his/her designee, may reasonably request on a standard form to be furnished.

4. **FEES.**

A. **Owner Residential Rental Registration Fee.** There shall be a fee for the initial registration of any residential rental dwelling unit in the amount of \$100.00. The Zoning Officer is empowered to waive this registration fee where a valid continuing Certificate of Occupancy has been issued and continues in effect.

B. **Change in Tenancy During the Year.** Whenever there is a change in tenancy of a registered residential rental dwelling unit, the owner must register the proposed change on forms to be provided by the Borough and be reinspected prior to occupancy. The fee for the change in tenancy shall be \$50.00.

5. **METHOD AND MANNER OF CERTIFICATION.** Upon receipt of an application for an initial registration or change to initial registration, the Zoning and Code Enforcement Officer, within ten (10) business days, shall perform an inspection of the property to determine whether such property complies with the provisions of applicable rules, Codes and statutes including the International Property Maintenance Code and Zoning Ordinance. The Zoning and Code Enforcement Officer shall within five (5) days of the inspection issue the Landlord and Tenant Registration Certificate if the property complies. No Landlord and Tenant Registration Certificate shall be issued if the premises and building fail to comply in a material manner with the provisions of

the applicable rules, codes and statutes.

6. **INSPECTION OF PROPERTY.** The Zoning and Code Enforcement Officer shall inspect the exterior and interior of each unit for which a Landlord and Tenant Registration Certificate has been issued or requested or upon amendment of same and will coordinate such inspection whenever possible with the Fire Code Officer, or other official. In an owner occupied dwelling, the owner occupied portion shall not be subject to inspection.

7. **RIGHT OF ENTRY; CONSENT AND SEARCH WARRANT REQUIREMENTS.** Whenever necessary to make inspection to enforce any of the provisions of this Ordinance, or whenever the Zoning and Code Enforcement or Housing Officer, or his/her authorized representative, has reasonable cause to believe that there exist in any residential rental dwelling units any condition or violation which makes such residential rental dwelling units or premises unsafe, dangerous or hazardous, the Zoning and Code Enforcement or Housing Officer, or his/her authorized representative, may enter such dwelling building or premises at all reasonable times to inspect the same or to perform any duty imposed by this Ordinance, provided that such entry is pursuant to the law.

8. **ILLEGAL RESIDENTIAL RENTAL DWELLING UNITS.**

A. No person shall rent or suffer to be occupied an unregistered residential rental dwelling unit in a building which such person owns or otherwise controls. The owner of any residential rental dwelling unit bears the burden of proof in certifying such premise is lawfully authorized to be utilized and operated as a residential rental dwelling unit.

B. No person shall charge, demand, receive or accept any rent or other payment for use or occupancy of any residential premises within the Borough of Westwood which are used or occupied in violation of the Zoning Ordinance of the Borough of Westwood. Each such charge, demand, receipt or acceptance of rent or other payment in violation hereof shall constitute a separate offense.

9. **LANDLORD AND TENANT REGISTRATION CERTIFICATE REVOCATION OR SUSPENSION.** Any Landlord and Tenant Registration Certificate may be revoked or suspended at any time during the life of said Certificate for cause including, but not limited to, the following:

1. Violation of the provisions of this or any other Ordinance or law pertaining to the use of the property;
2. False or misleading information given or provided in connection with the license application or renewal;
3. Failure to pay any fee herein provided for;
4. Failure to permit lawful inspections;

5. Failure to correct violations in the time period prescribed; and

6. Violations committed or permitted by the licensed owner and/or the owner's designated agent, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises, including the International Property Maintenance Code.

Where a violation has been identified as being committed by a tenant and the landlord is actively pursuing eviction of said tenant, the landlord shall be entitled to successive sixty (60) day grace periods until the eviction proceedings are concluded.

A suspended Landlord and Tenant Registration shall be reinstated when the circumstances leading to the suspension have been remedied and a \$200.00 reinstatement fee has been paid.

10. **METHOD OF CORRECTION.** Whenever the Zoning and Code Enforcement Officer determines that any residential rental dwelling fails to meet any requirements set forth in the applicable rules, standards, statutes or ordinances including the International Property Maintenance Code, the Zoning and Code Enforcement Officer, or other appropriate official, may in their discretion, suspend or revoke the Certificate or issue a Correction Notice setting forth the violations and ordering the occupant, owner and/or owner's designated agent to correct such violations.

This notice and order shall:

- A. Be in written form;
- B. Describe the location and nature of the violation in detail; and
- C. Establish a reasonable time for the correction of any violation.

Failure to correct violations within the time period stated in the correction order shall be a violation of law and this Ordinance. If the correction order relates to actions or omissions of the occupant, and the occupant fails to make the necessary correction, the Landlord may be required to remedy the condition by whatever means necessary.

11. **VIOLATION OF THIS ORDINANCE, MUNICIPAL OFFENSE.** The violation of any provision of this Ordinance shall be deemed a municipal offense. Any person violating the provisions of this Ordinance shall be fined as per Borough regulations and/or as allowed by State Statute. Each separate day of violation constitutes a separate and punishable offense.

12. **AUTHORITY.** Nothing in this Ordinance shall prevent the Borough of Westwood from taking action under any applicable rule, standard, statute, or ordinance for violations thereof to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Ordinance shall prevent the Borough of Westwood from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Ordinance on registration and licensing including an order prohibiting the occupancy of such

rental units until violations of this Ordinance have been remedied by the property owner or designated agent.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law and shall revoke and supersede Ordinance No. 05-25.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk

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